



Practitioner's Docket No. 000.13

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John S. Patton et al.

Application No.: 10/693,318

Group No.: Unknown

Filed: 10/24/2003

Examiner: Unassigned

For: METHOD AND DEVICE FOR DELIVERING AEROSOLIZED MEDICAMENTS

**Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Petition

Sir:

On February 28, 2005, Applicant received a Notice of Omitted Items in a Nonprovisional application. As evidenced on the attached copy of Applicants PTO Acknowledgement Postcard, all 22 pages of specification, Claims, and abstract were included in the original filing. Enclosed is a copy of the originally filed page 20 of the specification as filed on October 24, 2003. Applicant respectfully requests the Office to maintain the filing date of October 24, 2003.

The Office is authorized to charge the Petition fee and any other fees that may be required to deposit account no. 500348.

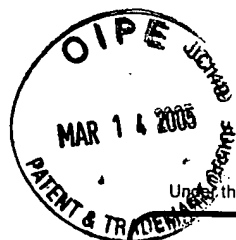
Respectfully submitted,

Guy V. Tucker

Reg. No. 45,302

Dated: 09 MAR 2005

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/693,318
Filing Date	October 24, 2003
First Named Inventor	John S. Patton
Art Unit	
Examiner Name	Unassigned
Attorney Docket Number	0001.13

Enclosed is a petition filed under 37 CFR § 1.182 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 500348:☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ is enclosed.☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

03/15/2005 MGBREM1 00000024 500348 10693318

01 FC:1462 400.00 DA

Signature

Guy V. Tucker

Typed or printed name

09 MAR 2005

Date

45,302

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO Acknowledgment Postcard

Application Type New Application Date Sent 10/24/2003
Practitioner Docket No. 0001.13 Customer No. 21968

Mail Service Express Mail Express Mail Label No. ER212309789US

Inventor(s) John S. Patton et al.

Invention Title METHOD AND DEVICE FOR DELIVERING AEROSOLIZED
MEDICAMENTS

<u>Documents Submitted</u>	<u>Sent</u>	<u>pages</u>		<u>Sent</u>	<u>pages</u>
Oath or Declaration	Yes	1	Drawings	Yes	8
Express Mail Certificate		1			
Data Sheet		2			
Specification, claims, abstract		22			

22278 U.S. PTO
10/693318



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Contact Person Guy Tucker Contact No. 650-621-5501

Best Available Copy



actuated. We checked for powder remaining in the venturi intake to determine whether there was an adequate air supply to disperse the powder. The particle size distribution measured from the chamber using an Aerosizer (API, Hadley, MA) particle size analyzer showed that the aerosol contained particles between 1 and 4 μm in diameter.

Results

Results comparing the different chamber designs for containing the aerosol are reported in Table 1. The maximum volume of the aerosol contained by the chamber was calculated from the maximum operating time and the total airflow. The proportion of the aerosol volume to the volume of the chamber given in the % Chamber Volume column is a way of comparing the effectiveness of the different chamber designs for containing the aerosol. The air volume needed to disperse 5 mg of powder could be efficiently captured in all of the chamber configurations tested. The designs that induced a vertical airflow pattern in the chamber retained a larger volume of aerosol.

TABLE 1
Aerosol Capture Efficiency for several
Holding Chamber Designs

Chamber	-----Nebulizer-----			-----Powder Dispenser-----		
	Aerosol Volume	% of Chamber Volume	Increase over base	Aerosol Volume	% of Chamber Volume	Increase over base
Design 1 bottom fill	348 mL	45.8%	---	69 mL	9.24%	---
Design 1 tangential fill	665 mL	88.7%	1.94	95.3 mL	12.7%	1.38
Design 2 center baffle	728 mL	97.1%	2.12	104 mL	13.9%	1.50
Design 3 hemisphere baffle	950 mL	127%	2.77	164 mL	21.9%	2.37
Design 4	855 mL	114%	2.49	161 mL	21.5%	2.33